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8
9 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON

10
11 CONFEDERATED TRIBES AND
12 BANDS OF THE YAKAMA
13 NATION, a sovereign federally
recognized Indian Tribe,

14 Plaintiff,

15 v.

16 CITY OF TOPPENISH, a
municipality of the State of
17 Washington,

18 Defendant.

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20 **Case No.: 1:24-cv-03189**

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1 2. The parties entered into settlement conference proceedings pursuant to
2 Judge Mary K. Dimke's Order, dated January 14, 2025 (ECF No. 22), and Judge
3 Alexander C. Ekstrom's Order, dated January 14, 2025 (ECF No. 23).

4 3. Consistent with Judge Alexander C. Ekstrom's Order, dated January
5 27, 2025 (ECF No. 26), the parties participated in a productive session on January
6 24, 2025 and a subsequent session was scheduled for January 28, 2025.

7 4. Judge Alexander C. Ekstrom further Ordered, dated January 28, 2025
8 (ECF No. 28), that the parties shall continue to meet with their decisionmakers and
9 notify the Court whether settlement language has been approved to resolve the
10 matter on or before February 12, 2025.

11 5. Judge Mary K. Dimke further Ordered, dated January 29, 2025 (ECF
12 No. 29) (Minute Entry), that the parties are directed to confer and jointly propose
13 an accelerated scheduling order on the merits by February 18, 2025.

14 6. On February 12, 2025, the parties exchanged additional draft
15 settlement language based on additional meetings with their decisionmakers, but
16 had not reached final settlement.

17 7. Judge Alexander C. Ekstrom further Ordered, dated February 13, 2025
18 (ECF No. 30), that a final conference on February 14, 2025 was stricken while
19 retaining the referral for settlement conference on this matter.

20 8. Attached as **Exhibit A** is a true and correct copy of the parties
21 Settlement Agreement, signed February 14, 2025, in this matter.

22 9. I declare under penalty of perjury under the laws of the United States
23 of America that the foregoing information is true and correct.

1 Respectfully submitted this 18th day of February, 2025.
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10 *Attorney for the Confederated Tribes
11 And Bands of the Yakama Nation*
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EXHIBIT A

Declaration of Anthony Aronica in Support of Joint Status Report and Motion for Entry of
Settlement Agreement

Confederated Tribes and Bands of the Yakama Nation v. City of Toppenish

1:24-cv-03189-MKD

The parties in the above-named action agree as follows:

1. The Confederated Tribes and Bands of the Yakama Nation (the “Yakama Nation”) and the City of Toppenish (the “City”) recognize that there is a need for a winter weather shelter to protect those members of the Yakima Nation and residence of the City who need such a shelter because of their homeless condition.
2. In the current year, and for future years, until a permanent shelter can be developed by the Yakama Nation on land owned by the Yakama Nation - with a goal of completing this process within the next five years - the City recognizes that the Yakama Nation will be utilizing a building owned by the Yakima Valley Farm Worker’s Clinic at 508 W. 1st Ave., Toppenish, WA, for winter weather shelter purposes under its civil jurisdiction incident to the Yakama Nation’s inherent sovereignty within the exterior boundaries of the Yakama Reservation.
3. Though the City is not involved in the operation of the above referenced winter weather shelter, operated by the Yakama Nation under its civil jurisdiction, the City will support efforts of the Yakama Nation in developing its permanent shelter by providing letters of support to prospective funding agencies for such shelter.
4. The City also recognizes that the above referenced shelter, operated by the Yakama Nation pursuant to its inherent sovereignty, is outside the authority of the City’s jurisdiction and enforcement responsibilities.
5. Based on the Yakama Nation’s assertion of its exclusive civil jurisdiction, and because the City is not involved in the operation of the shelter, if a lawsuit is filed related to the operation of the shelter which names the City as a defendant, the Yakama Nation will hold the City harmless and name at its sole expense the City as an additional insured to the Yakama Nation’s general liability insurance policy, which policy would provide Ten Million Dollars (\$10,000,000) in general aggregate coverage or Six Million Dollars (\$6,000,000) per occurrence, at no cost to the City.
6. The City agrees that representatives of the City will designate delegates to meet with the Yakama Nation annually at the Yakama Headquarters, or at another

mutually agreed location in addition too, formal government-to-government Consultation for the purpose of facilitating mutual respect for each party's public duties, obligations, political status or sovereign interests, and comprehensive planning.

7. The parties shall work respectfully and responsibly with each other to address issues of mutual importance to each.
8. Each party will pay its own costs related to the pending litigation which is to be dismissed. No responsibility for compensation between the parties is either expressly or implicitly incorporated herein.

Plaintiff:



Gerald Lewis, Chairman
Yakama Nation Tribal Council

Defendant:



Dan Ford, City Manager
City of Toppenish